

ACT No. XIII OF 1876.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th
June 1876).

An Act to amend the law relating to Merchant
Seamen.

WHEREAS it is expedient to amend the law relat- Preamble.
ing to Merchant Seamen in manner herein-
after appearing; It is hereby enacted as follows:—

Preliminary.

1. This Act may be called "The Indian Merchant Short title.
Seamen's Act, 1876:"

It extends to the whole of British India;

Local extent.

And it shall come into force at once.

Commence-
ment.

2. In this Act—"seaman" includes every person Interpretation-
(except Masters, pilots and apprentices duly inden- clause.
tured and registered) employed or engaged in any
capacity to serve at sea for the purposes of any ship.

Interpreta-
tion-clause.

Distressed Seamen.

3. A certificate signed by a Secretary to the Local Evidence of
Government, or by such other officer as it appoints in distress of
this behalf, to the effect that any seaman named seamen.
therein is distressed, shall, in all proceedings under
sections 211, 212 and 213 of the Merchant Shipping
Act, 1854, be conclusive evidence that such seaman is
distressed within the meaning of the same sections;
and any Master of a British ship refusing to accept
such seaman as a distressed seaman under the provi-
sions of the said sections shall, for each seaman with
respect to whom he so refuses, be liable to a fine
which may extend to one thousand rupees.

Evidence of
distress of
seamen.

Penalty for
refusing to
accept dis-
tressed sea-
men.

Discharge

[Price two annas.]

Discharge of Seamen.

Discharge
of seamen.

4. No seaman or apprentice not shipped in British India shall be discharged without the previous sanction in writing of such officer as the Local Government appoints in this behalf: and such sanction shall be given or withheld at the discretion of the officer so appointed; but whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing.

Any person discharging a seaman or apprentice in wilful disobedience to the prohibition contained in this section, shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Engagement of Seamen.

Engagement
of Native
seamen.

5. The Local Government, or such officer as it appoints in this behalf, may, by order in writing signed by its Secretary or by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any Native of India to serve as a seaman on board any ship specified in such order; but in all such cases the reasons for the prohibition shall be stated in writing.

Whoever wilfully disobeys the prohibition contained in this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Deserters.

Deserters.

6. Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from any ship in which he is engaged to serve, the Master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to such officer as the Local Government appoints in this behalf, unless in the meantime the deserter or absentee returns.

Any

Any Master wilfully neglecting to comply with the provisions of this section, may be punished with fine not exceeding one hundred rupees, or imprisonment for a term which may extend to one month, or with both.

Imprisoned Seamen.

7. If any seaman or apprentice not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, any Magistrate may deal with him in the same way as he may deal with a seaman or apprentice imprisoned on any of the grounds mentioned in section 88 of Act No. I of 1859 (*for the amendment of the law relating to Merchant Seamen*).

Power to deal with imprisoned seamen in accordance with section 88, Act I of 1859.

8. If any seaman or apprentice not shipped in British India is imprisoned on a complaint made by or on behalf of the Master or owner of the ship in which he is engaged to serve, on any of the grounds mentioned in the said Act No. I of 1859, section 88, or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, the following rules shall be observed:—

Rules as to imprisoned seamen.

(a) No person shall, while such imprisonment lasts, without the previous sanction in writing of the Local Government or of such officer as it appoints in this behalf, engage any Native of India to serve as a seaman on board such ship;

(b) the Local Government, or such officer as it appoints in this behalf, may tender such seaman or apprentice to the Master or owner of the ship in which he is engaged to serve, and if such Master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuse to receive him on board, may require such Master or owner to deposit in the local Shipping Office (1) the wages due to such seaman or apprentice, and his money, clothes and other effects, and (2) such sum as may in the opinion of the Local Government or of such officer as aforesaid be sufficient to defray the cost of the passage of the said seaman or apprentice

apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

Whoever wilfully disobeys the prohibition contained in clause (a) of this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Any Master or owner refusing or neglecting to deposit such wages, money, clothes and other effects, or such sum as aforesaid, may be punished with fine not exceeding five hundred rupees, and in default of payment of such fine, to imprisonment for a term which may extend to three months.

Accommodation of Seamen.

Amendment of Act I of 1859, section 70.

9. And whereas it is expedient to increase the space required by the said Act No. I of 1859, section 70, to be allowed for European seamen and apprentices and for lascars or Native seamen; It is hereby further enacted as follows :—

Such section shall be read as if for the expressions “nine superficial feet,” “fifty-four cubic feet,” and “four superficial feet,” the expressions “ten superficial feet,” “sixty cubic feet,” and “six superficial feet” were respectively substituted, and as if in the third paragraph of the same section, after the word “superficial,” the words “and thirty-six cubic” were inserted.

Meaning of ‘established par value.’

Meaning of expression ‘established par value’ in Act I of 1859, section 54.

10. And whereas doubts have been raised as to the meaning of the expression “established par value” in the said Act No. I of 1859, section 54, for the purpose of removing such doubts, it is hereby enacted as follows :—

For section 54 of Act No. I of 1859, the following shall be substituted (that is to say) :

“54. When any monies are payable in India to any seaman or apprentice for wages or otherwise under

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under any agreement wherein such monies are expressed to be payable in British currency, the seaman or apprentice shall be entitled to demand and recover in the current coin of India the amount due to him estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments."